

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

<b>WALTER RAGLIN,</b>	:	
<b>Petitioner,</b>	:	<b>CASE NO. 1:00-cv-767</b>
<b>v.</b>	:	<b>JUDGE WALTER H. RICE</b>
<b>BETTY MITCHELL, Warden</b>	:	<b>MAGISTRATE JUDGE MERZ</b>
<b>Respondent.</b>	:	

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**NOTICE OF RAGLIN'S FAILURE TO FILE  
OBJECTIONS UNDER HABEAS RULE 8(b)(3)**

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Petitioner Walter Raglin is an Ohio death row inmate who has been sentenced to death for the robbery and murder of Michael Bany. Walter Raglin filed his first habeas corpus petition on September 13, 2000. Doc. R. 14. Respondent Betty Mitchell filed a timely return of writ. Doc. R. 15. On March 8, 2005, almost five years after filing his initial petition, Raglin filed an amended petition. Doc. R. 76.

On February 2, 2006, after the completion of briefing and discovery, the Magistrate Judge issued a Report and Recommendations recommending Raglin's first amended petition be dismissed with prejudice. Doc. R. 89.

Pursuant to Habeas Rule 8(b)(3) and Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with the Report and Recommendations. In this case, Raglin's deadline to file objections to the Magistrate Judge's February 2, 2006 Report and Recommendations was originally February 21, 2006. After *three* extensions of time, Raglin's deadline to file objections was extended to May 8, 2006. That date has come and gone.

Respondent now gives notice to this Court that Raglin has failed to file written objections to the Magistrate Judge's February 2, 2006 Report and Recommendations. Based on Raglin's failure to file objections, Respondent asserts that she fully intends to argue waiver on appeal. *See, United States v. Walters*, 638 F.2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).

Respectfully submitted,

**Jim Petro**  
Ohio Attorney General

*s/Carol A. Ellensohn*

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**COUNSEL FOR RESPONDENT**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing, has been forwarded this 9<sup>th</sup> day of May 2006, via the court's electronic notification system to:

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*s/Carol A. Ellensohn*  
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